

ORIGINAL

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UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 2 2006

at 9:58 o'clock and 9 min. M to
SUE BEITIA, CLERK

KIRKLAND & ELLIS LLP

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Attorneys for Defendant

POST-CONFIRMATION TRUST

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;

Plaintiff,

vs.

HAWAIIAN EXPRESS SERVICE,
(Caption Continued)

) CIVIL NO. CV03-00385 SOM-LEK

) (Copyright)

)

) **NOTICE OF MOTION**) **REGARDING DEFENDANT PCT'S**) **MOTION FOR JUDGMENT AS A**) **MATTER OF LAW ON ALL**) **CLAIMS FOR PROFITS AND**) **DAMAGES**

)

)

INC., et al.,	)	Judge:	Hon. Susan O. Mollway
	)	Trial Date:	February 28, 2006
Defendants.)		
)		
)		
)		

NOTICE OF MOTION

TO: Timothy J. Hogan, Esq.
Lynch, Ichida, Thompson & Kim
1132 Bishop Street, Suite 1405
Honolulu, Hawaii 96813

Attorney for Plaintiff

NOTICE IS HEREBY GIVEN THAT DEFENDANT PCT'S MOTION
FOR JUDGMENT AS A MATTER OF LAW ON ALL CLAIMS FOR PROFITS
AND DAMAGES, shall come on for hearing before the Honorable Susan Oki
Molloway Judge of the above-entitled Court, in her courtroom in the United States
Courthouse, 300 Ala Moana Boulevard, Honolulu, Hawaii, at _____, on

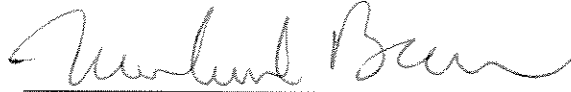
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_____, or as soon thereafter as counsel can be heard.

DATED: Honolulu, Hawaii, 3/2/2000.



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Attorneys for Defendant PCT

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	CIVIL NO. CV03-00385 SOM-LEK
	)	(Copyright)
Plaintiff,)	
	)	DEFENDANT PCT'S MOTION FOR
vs.	)	JUDGMENT AS A MATTER OF
	)	LAW ON ALL CLAIMS FOR
	)	PROFITS AND DAMAGES
HAWAIIAN EXPRESS SERVICE,)	
INC., et al.,	)	Judge: Hon. Susan O. Mollway
	)	Trial Date: February 28, 2006
Defendants.)	
)	

**DEFENDANT PCT'S MOTION FOR JUDGMENT AS A MATTER OF LAW
ON ALL CLAIMS FOR PROFITS AND DAMAGES**

COMES NOW Defendant Post-Confirmation Trust ("PCT") by and through its attorneys, and hereby moves this Honorable Court for judgment as a matter of law that there is no evidence in the record to support any claim of profits or damages resulting from the infringement of plaintiff's work. This motion is based upon Rules 7 and 50(a) of the Federal Rules of Civil Procedure, and is supported by the attached Memorandum of Points and Authorities in Support of Defendant

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PCT's Motion for Judgment as a Matter of Law on all Claims for Profits and
Damages.

DATED: Honolulu, Hawaii, _____.

KOBAYASHI, SUGITA & GODA
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THOMAS H. YEE (7344-0)

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